

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Paul Leslie Cox, # 75206,	)	<b>C/A No. 3:11-3034-TMC-JRM</b>
	)	
	)	
Petitioner,	)	
	)	
vs.	)	<b>ORDER</b>
	)	
<del>Jon E. Ozmint,</del>	)	
Wayne C. McCabe, <i>Warden of Lieber Correctional</i>	)	
<i>Institution,</i>	)	
	)	
Respondent.	)	

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This is an action seeking habeas corpus relief pursuant to 28 U.S.C. § 2254. Petitioner is a state prisoner. This matter is before the Court because of Petitioner's failure to comply with the magistrate judge's order (ECF No. 6) of November 10, 2011. A review of the record indicates that the magistrate judge ordered Petitioner to submit the items needed to render this case into "proper form" within twenty-one (21) days, and that if he failed to do so, this case would be dismissed *without prejudice*. Specifically, the magistrate judge directed Petitioner to pay the five-dollar (\$5) filing fee for a habeas corpus action or submit a Motion for Leave to Proceed *in forma pauperis*. On November 10, 2011, the Office of the Clerk of Court mailed to Petitioner a copy of the order of November 10, 2011, and a Motion for Leave to Proceed *in forma pauperis*. Petitioner has failed to respond to the magistrate judge's order.

Accordingly, the above-captioned case is dismissed *without prejudice*. The Clerk of Court shall close the file.\*

IT IS SO ORDERED.

December 27, 2011  
Greenville, South Carolina

s/Timothy M. Cain  
Timothy M. Cain  
United States District Judge

### **NOTICE OF RIGHT TO APPEAL**

Petitioner is, hereby, notified of the right to appeal this Order within the time period set forth under Rules 3 and 4 of the Federal Rules of Appellate Procedure.

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\* Under the General Order (Misc. No. 3:07-MC-5014-JFA) filed on September 18, 2007, this dismissal *without prejudice* does *not* count as a “strike” for purposes of the “three strikes” provision of 28 U.S.C. § 1915(g). If Petitioner wishes to bring this action in the future, he should obtain new Section 2254 forms for doing so from the Clerk’s Office in Columbia (901 Richland Street, Columbia, South Carolina 29201).